S.B.Cr.Misc. Bail App. No. 4772/2007
(Khima Ram Vs. State of Rajasthan)

Date of order : 24/10/2007

HON'BLE MR.H.R.PANWAR, J.

Mr. B.S.Rathore for the petitioner.

Mr. Vishnu Kachhawaha Public Prosecutor.

Heard learned counsel for the petitioner and the Public Prosecutor for the State. Perused the order impugned and challan papers.

It is contended by learned counsel for the petitioner that deceased Dalaram inflicted a head injury to the present petitioner Khimaram and deceased also suffered single head injury alleged to be at the hands of the present petitioner. The deceased and the petitioner both were admitted to the hospital. The petitioner was semi conscious when brought to the hospital and was unable to speak and was operated upon. He underwent the treatment in hospital for quite long period. It is further contended that there is a cross case against the complainant party in which the petitioner and other injured witness made statement stating therein that it was the deceased Dala Ram who inflicted injury on the skull of the petitioner.

On perusal of the challan papers, it appears that the present petitioner suffered lacerated wound on his skull and as per the injury report he was semi conscious when brought to the hospital, he was unable to give statement as opined by the doctor, and he remained in hospital and was operated. However, the petitioner could survive after

operation but Dalaram died in the hospital. It appears that both the parties inflicted injuries to each other and more particularly the injuries alleged to be caused by the petitioner to the deceased and the deceased to the present petitioner are of similar nature.

Looking to the facts and circumstances of the case and the fact that it was the deceased who caused the injury on the head of the present petitioner initiating the occurrence, without commenting on the merit of the case, having considered the oral arguments advanced by both the parties, I think it just and proper to enlarge the accused petitioner on bail.

Accordingly, this bail application filed under Sec. 439 Cr.P.C. is allowed and it is directed that petitioner Khima Ram S/o Bhaga Ram be released on bail in CR No. 133/07 P.S. Marwar Junction provided he executes a personal bond for a sum of Rs. 20,000/- with two sound and solvent sureties in the sum of Rs. 10,000/- each to the satisfaction of learned trial court for his appearance before that court on each and every date of hearing and whenever called upon to do so till the completion of the trial.

(H.R.PANWAR), J.

RP